

THE BOROUGH COUNCIL OF CALDERDALE
(OFF STREET PARKING PLACES)
No 1 ORDER 2012

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The Borough Council of Calderdale (hereinafter referred to as "the Council") in exercise of their powers under Sections 32, 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (as amended) hereinafter referred to as "the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, and with those persons and organisation specified in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby make the following Order:-

PART 1

DEFINITIONS

1. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"contract parking permit" means a permit issued under the provisions of Article 4 hereof;

"charging hours" means the period specified in Column 5 in Schedule 1 to this Order including Christmas Day or other Public Holiday including Good Friday;

"coach" means a vehicle carrying more than 8 passengers which is being used for carrying passengers for hire or reward at a single agreed fare for the purpose of those passengers visiting Shibden Park;

"disabled person's badge" has the same meaning as in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"disabled persons parking bays" means those bays which are indicated by markings on the surface or signs placed or erected in the parking place for the use of vehicles displaying a disabled persons badge;

"driver" in relation to the vehicle left in a parking place means the person driving the vehicle at the time it was left in the parking place;

"entry ticket" means a ticket dispensed at the entry barrier point referred to in Article 3(3) of this Order;

“goods vehicles” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“invalid carriage” has the same meaning as in Section 136 of the Act of 1984;

“motor car”, “motor cycle” and “motor vehicle” have the same meanings respectively as in Section 136 of the Act of 1984;

“owner” in relation to a vehicle means the person by whom such a vehicle is kept and used;

“civil enforcement officer” means a person authorised by or on behalf of the Council to supervise any parking place and to carry out such other functions as may be conferred by or under any enactment;

“parking bay” means a space within the parking place marking out by surface markings to accommodate a single vehicle;

“parking charge” means the sum(s) payable for the purchase of a Parking Ticket as set out in Article 3 hereof;

“parking place” means any area of land specified by name in Column 1 of Schedule 1 to this Order provided by the Council in pursuance of Section 32(1)(a) of the Act of 1984 as a parking place for vehicles of the prescribed classes;

“parking ticket” means a ticket dispensed by a ticket parking meter or a ticket issued by a person authorised by the Council on the payment of the parking charge;

“parking voucher” means a voucher issued under the provisions of Article 5 hereof;

“public service vehicle” means a motor vehicle (other than a tram car) which being a vehicle adapted to carry more than eight passengers, is being used for carrying passengers for hire or reward;

“relevant position” in relation to the display of a disabled person’s parking badge or disc has the same meaning as in Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“relevant position” in relation to the display of a parking ticket or contract parking permit means in the case of a vehicle with a front windscreen the parking ticket or contract parking permit is exhibited thereon facing outwards on the near side of and immediately behind the windscreen; or in the case of

a vehicle not fitted with a front windscreen the badge or parking ticket or parking permit is exhibited in a conspicuous position on the motor vehicle;

“ticket machine” means any apparatus or device of a type or design approved in accordance with Section 35(3) or 46(2) of the Act of 1984 and installed to facilitate collection of the parking charge and dispense numbered tickets as evidence of payment of the parking charge and situated in the vicinity of the parking place to which it relates;

“trailer” has the same meaning as in Section 136 of the Act of 1984;

“vehicle” has the same meaning as in Section 136 of the Act of 1984;

PART 2

USE OF PARKING PLACE

2. Use of Land and Parking Place

- (1) The parking place specified by name in Column 1 of Schedule 1 to this Order unless the prior written consent of the Council has been obtained, be used subject to the following provisions of this Order, as a parking place for such classes of vehicles as are specified in Column 3 of Schedule 1 and as are capable at all times of vacating the parking place under their own means of mechanical propulsion, in such manner and using such hours on such days as are specified in relation to the parking place in Schedule 1.
- (2) Where in Schedule 1 a parking place is described as available for motor vehicles of a specified class or in a specified position the driver of a motor vehicle shall not permit it to wait in that parking place
 - (a) unless it is of the specified class; or
 - (b) in a position other than that specified
- (3) The driver of a motor vehicle shall not permit it to wait in the parking place for longer than the maximum period permitted for waiting specified in Column 6 of Schedule 1 to this Order
- (4) The driver of a motor vehicle shall not permit it to wait in a disabled persons parking bay without displaying in the relevant position a disabled persons badge

3. Payment of Parking Charge

- (1) The driver of a motor vehicle using the parking place during the times and on the days specified in Schedule 1 to this Order should on arrival in the parking place pay the parking charge in accordance with the scale of charges specified in Column 7 of Schedule 1
- (2) The parking charge referred to in Article 3(1) shall be payable by the insertion of an appropriate coin or coins into a ticket machine installed in the parking place or by such other method acceptable by the ticket machine that will enable the parking charge to be paid by electronic means to the value of the relevant parking charge appropriate for that parking place having regard to the intended period of stay provided that if the ticket machine is not available or is inoperative the parking charge shall be payable to a civil enforcement officer in uniform or an alternative ticket machine if available
- (3) The driver of a motor vehicle using the parking place in a multi storey car park as specified in Column 1 of Schedule 1 during the times and on the days specified in Schedule 1 to this Order should on arrival in the parking place obtain an entry ticket from the entry barrier point at the parking place and shall on leaving the parking place pay the parking charge in accordance with the scale of charges specified in Column 7 of Schedule 1 by the insertion of the entry ticket at a pay station prior to leaving the parking place by inserting the ticket (validated as to payment) into the exit barrier point provided that if the pay station is not available or is inoperative the parking charge shall be payable to a civil enforcement officer in uniform
- (4) The parking charge shall be payable at the time of arrival of a vehicle in a parking place and, at or before the time of expiry of the period paid for on arrival in the event of the vehicle being left in the parking place for an extended period, a further charge shall be payable relating to the parking place to the value of the charge requisite for the length of stay in the particular parking place **PROVIDED THAT** if the period for which the vehicle is left requires the purchase of any additional parking ticket(s) such additional parking ticket(s) shall be purchased at such subsequent time or times as may be appropriate (provided that the period afforded by the purchase of any previous ticket(s) has not been exceeded) and any subsequent payment shall be deemed to form part

of the parking charge and **PROVIDED ALSO THAT** the period for which the vehicle is left in the parking place does not exceed the maximum permitted duration of stay specified in Column 6 of Schedule 1 to this Order

4. Contract Parking Permits

The owner of a vehicle may on application to the Council and at the Council's discretion be provided with or purchase a contract parking permit for a sum to be determined for the period for which the permit is valid, and subject to the terms and conditions specified from time to time by the Council

5. Display of Parking Tickets/Parking Permits/Parking Vouchers

- (1) Any parking ticket, contract parking permit or parking voucher shall be displayed in the relevant position on the motor vehicle for which it is issued at all times while the vehicle is left in the parking place and the said parking ticket shall be so displayed on the motor vehicle so that the time and date shown on the front of the said ticket is clearly visible from the front of the motor vehicle
- (2) Payment of the parking charge specified in Article 5(1) of this Order shall be indicated by the issue by a ticket machine of a parking ticket indicating the payment of that parking charge and the day in respect of which the parking charge has been paid and by the display of that parking ticket on the motor vehicle in accordance with the provisions of Article 5(1) of this Order
- (3) The day and time shown on any parking ticket issued in the parking place as being the day and time in respect of which the parking charge has been paid shall be presumed unless the contrary is proved to be the day and time in respect of which such parking charge was paid
- (4) If at any time while a motor vehicle is left in a parking place no parking permit, parking voucher or no parking ticket indicating that the parking charge has been paid in respect of the day on which the motor vehicle is so left is displayed on that motor vehicle in accordance with the provisions of Articles 5(1) and 5(2) of this Order it shall be presumed unless the contrary is proved that the parking charge has not been paid
- (5) No person shall exhibit on a vehicle left in a parking place during the charging hours any parking ticket relating to that parking place other than the parking ticket issued upon payment of the parking charge in respect of that vehicle

- (6) If at any time while a vehicle is left in a parking place during the charging hours the parking ticket issued by a ticket parking meter and exhibited on the vehicle in accordance with the provisions of Article 5(1) of this Order shows that the day of payment of the parking charge is not the day on which the vehicle is so left it shall be presumed that the parking charge has not been duly paid.
- (7) Any parking ticket issued by a ticket machine shall be presumed unless proven to the contrary to have been issued on the day shown thereon when the clock on the said ticket machine indicated the time to be shown on the said ticket

6. Manner and use of standing in parking place

- (1) Unless the prior consent of the Council has been obtained, every vehicle left in the parking place shall so stand that every part of the vehicle is within the limits of a parking bay
- (2) The driver of a motor vehicle using the parking place shall stop the engine as soon as the motor vehicle is in a position in the parking place and shall not start the engine except for the purpose of changing the position of the motor vehicle or of departing from the parking place such operations not to be unreasonably delayed
- (3) Unless prior written consent has been granted by the Council no person shall:
 - (a) use a motor vehicle while it is in the parking place in connection with the sale or advertisement of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services or of those or any other person
 - (b) use any part of the parking place or any building structure mechanical device or other physical feature therein or any other motor vehicle left thereon to display advertising material to induce the public to participate in or frequent any place function or gathering for the purpose of demonstrating or engage for gain in any lottery sweepstake raffle or competition
- (4) The driver of a motor vehicle shall not permit the motor vehicle to wait in the parking place in such a position as to obstruct or prevent any other motor vehicle from entering or departing from the parking place

7. Removal of Vehicles from Parking Place

- (1) When a civil enforcement officer in uniform has reason to believe that any of the provisions of Articles 2(2), 2(3), 2(4), 6(4) or 8(7) of this Order have been contravened or not complied with in respect of a vehicle left in a parking place he or a person authorised by the Council may thereafter remove the vehicle from the parking place or cause it to be removed, and, where it is so removed shall provide for its safe custody **PROVIDED THAT** when a motor vehicle is waiting in the parking place in contravention of the provisions of Article 2(2)(b) a civil enforcement officer in uniform or a person authorised by the Council may alter or cause to be altered the position of the motor vehicle in order that its position shall comply with that provision
- (2) Any person removing or altering the position of a motor vehicle by virtue of Article 7(1) of this Order may do so by towing or driving the motor vehicle or in such other manner as may be reasonably necessary and may take such measures in relation to the motor vehicle as may be necessary to enable him to remove it or alter its position as the case may be
- (3) When a civil enforcement officer in uniform or person authorised by the Council removes or makes arrangements for the removal of a motor vehicle from the parking place by virtue of Article 7(2) of this Order he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle
- (4) Should a motor vehicle parked in a parking place specified in Schedule 1 to this Order in contravention of this Order be removed by a civil enforcement officer in uniform or person authorised by the Council a reasonable charge to cover the cost of recovery in addition to any other accrued charges shall be payable before the motor vehicle is released

8. Restriction of Use of Vehicles at Parking Places

- (1) The driver of a motor vehicle or any other occupant of a motor vehicle using the parking place shall not sound any horn or other similar instrument except for the purposes of warning or emergency
- (2) No person shall except by express agreement with the Council for the purpose of gaining access to or from or of loading or unloading goods or passengers at any premises adjoining the parking place drive any

motor vehicle in the parking place other than for the purpose of leaving that motor vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place

- (3) Save as provided in Article 8(4) of this Order no person shall cause or permit any motor vehicle to wait at any time on any road giving access to or egress from the parking place
- (4) Nothing in Article 8(3) of this Order shall prohibit any person from causing or permitting a motor vehicle to wait on any such road as is mentioned therein for as long as may be necessary if the motor vehicle is waiting owing to the driver being prevented from proceeding by circumstance beyond his control or to such waiting as is necessary to prevent an accident
- (5) No person shall in the parking place wantonly shout or otherwise make any such loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood
- (6) No person shall in the parking place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned
- (7) No person shall except with the express agreement of the Council use any part of the parking place or any motor vehicle left in the parking place
 - (a) for overnight sleeping or camping purposes
 - (b) for cooking purposes
 - (c) for the purpose of servicing or washing any motor vehicle
- (8) No person shall drive a motor vehicle in or through the parking place as a means of passage proceeding from one road to another road except for the purpose of leaving that motor vehicle in the parking place in accordance with the provisions of this Order
- (9) Where in the parking place signs are erected or surface markings are laid out for the purpose of:
 - (a) indicating the entrance to or exit from the parking place
 - (b) indicating that a motor vehicle using the parking place shall proceed in a specified direction within the parking place

no person shall drive any motor vehicle (i) so that it enters the parking place otherwise than by an entrance or leaves the parking place otherwise than by an exit so indicated or (ii) in a direction other than that specified as the case may be except with the express agreement of the Council for the purpose of gaining access to or from or of loading or unloading goods or passengers at any premises adjoining the parking place

(10) In the parking place no person shall:

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council
- (b) deposit or cause or permit to be deposited a skip without the written consent of the Council and payment of the charge levied by the Council for the deposit of such a skip
- (c) light or cause or permit to be lit a fire

9. Exemptions from Charges

(1) The following motor vehicles left in the parking place during the period permitted for waiting shall be exempt from the payment of any charge in respect of the parking place:

- (a) an invalid carriage
- (b) a vehicle which displays in the relevant position a valid disabled persons' badge
- (c) a motor cycle
- (d) a fire appliance or ambulance or a vehicle in the service of a Police Force being used in pursuance of statutory powers or duties

10. Miscellaneous

(1) The driver of a motor vehicle shall not permit that motor vehicle to wait in the parking place unless the motor vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the motor vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988

(2) The Council shall not be liable in respect of loss of or damage to any motor vehicle or the fittings or contents of any motor vehicle waiting or moving in or entering or leaving or otherwise using the parking place

- (3) A Police Constable in uniform or any person duly authorised by the Council in case of emergency, may move or cause to be moved any vehicle in a parking place to any place he thinks fit

11. Disposal of vehicles abandoned in parking places

- (1) The Council may as respects a motor vehicle which has been or could be at any time removed from the parking place in pursuance of Article 7 of this Order if it appears to them to have been abandoned sell or otherwise dispose of the motor vehicle **PROVIDED THAT** the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of these steps
- (2) Where a vehicle carries a registration mark issued under the Vehicles (Excise) Act, 1971 the Council shall apply in writing to the Driver Vehicle Licensing Centre or Local Vehicle Licensing Office enquiring who it appears may be the owners of the vehicle and the address of the person
- (3) Where the Council act under this part of this Order the first step for the purpose of Articles 11(2) and 11(4) shall be taken to be the sending of the notice mentioned in Article 11(4) or the subsequent notice mentioned in Article 11(5)
- (4) The Council shall where they are aware of the name and address of a person who it appears may be the owner of the vehicle send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than six weeks from the date of the first step taken by the Council under this Part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice or from such place as may be subsequently notified in writing by the Council to that person
- (5) If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person who he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to the other person and to any further person who the Council may

in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle

- (6) Where a vehicle does not carry a registration mark issued under the Vehicles (Excise) Act 1971, the Council shall apply in writing to the Chief Officer of the Police Force in whose area is the parking place from which the vehicle has been, or could at any time be, removed in pursuance of this Order enquiring who that Officer considers is the owner of the vehicle and the address of that person
- (7) If after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further inquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person
- (8) Where by virtue of Articles 11(6) and 11(7) of this Order the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle Articles 11(4) and 11(5) of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article 11(4)
- (9) Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of the sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the Act of 1984
- (10) In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place in pursuance of Article 10 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this Part of this Order stating the particulars mentioned in Article 11(4) of this Order

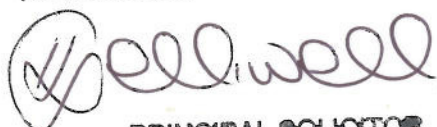
Any sums received by the Council on a sale of the vehicle, after deducting any sum applied by virtue of Article 11(9) of this Order, shall be payable within a period of one year from the date of the sale of the vehicle to any person to whom, but for such sale, the vehicle would have belonged and insofar as any

such sums are not claimed within the said period they shall be paid into the rate fund of the Council.

PART 3
GENERAL

13. The prohibitions or restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
14. The exercise by the Council of its powers under this Order shall not render it subject to any liability under any circumstances whatsoever for the negligence or default of its servants, agents or any other persons in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle, or other property left in any of the Council's parking places to which this Order applies or for any injury howsoever caused by any persons entering upon such parking places.
15. This Order shall come into operation on 28th May 2012 and may be cited as "The Borough Council of Calderdale (Off Street Parking Places) No1 Order 2012".

THE CORPORATE COMMON SEAL)
of **THE BOROUGH COUNCIL OF**)
CALDERDALE was hereunto affixed)
on the 28th May 2012 in the)
presence of:-)


PRINCIPAL SOLICITOR



Column 1 Name of Parking Place	Column 2 Position in which vehicle may wait	Column 3 Classes of Vehicle	Column 4 Days and hours of operation of parking places	Column 5 Charging Hours	Column 6 Maximum period for which vehicles may wait	Column 7 Scale of PARKING CHARGE
Shibden Park (1) (Mereside Car Park)	Waiting within a parking bay where marked. Otherwise in any position other than to obstruct access and egress by any other vehicle	Motorcycle, motor car Disabled person's vehicle public service vehicles minibuses and coaches Goods vehicle the unladen weight of which does not exceed 3.0 tonnes	January and February 0800 - 1700 March 0800 - 1800 April 0800 - 1900 May to August 0800 - 2100 September 0800 - 1900 October 0800 - 1800 November and December 0800 - 1700	9.00am to 17.00pm all days November to February 9.00am to 18.00pm all days March to October	Any period during the hours of operation	Up to 1 hour 30p Up to 2 hours 60p Up to 3 hours 90p Over 3 hours £1.00
Shibden Park (2) (Grass Overflow Car Parks)	Waiting within a parking bay where marked. Otherwise in any position other than to obstruct access and egress by any other vehicle	Motorcycle, motor car Disabled person's vehicle Goods vehicle the unladen weight of which does not exceed 3.0 tonnes	January and February 0800 - 1700 March 0800 - 1800 April 0800 - 1900 May to August 0800 - 2100 September 0800 - 1900 October 0800 - 1800 November and December 0800 - 1700	9.00am to 17.00pm all days November to February 9.00am to 18.00pm all days March to October	Any period during the hours of operation	Up to 1 hour 30p Up to 2 hours 60p Up to 3 hours 90p Over 3 hours £1.00

Shibden Park (3) (Upper Car Park)	Waiting within a parking bay where marked. Otherwise in any position other than to obstruct access and egress by any other vehicle	Motorcycle, motor car Disabled person's vehicle Goods vehicle the unladen weight of which does not exceed 3.0 tonnes	January and February 0800 - 1700 March 0800 - 1800 April 0800 - 1800 May to August 0800 - 1800 September 0800 - 1800 October 0800 - 1800 November and December 0800 - 1700	9.00am to 17.00pm all days November to February 9.00am to 18.00pm all days March to October	Any period during the hours of operation	Up to 1 hour 30p Up to 2 hours 60p Up to 3 hours 90p Over 3 hours £1.00
Shibden Park (4) (Museum Car Park)	Waiting within a parking bay where marked. Otherwise in any position other than to obstruct access and egress by any other vehicle	Motorcycle, motor car Disabled person's vehicle Goods vehicle the unladen weight of which does not exceed 3.0 tonnes	January and February 0800 - 1700 March 0800 - 1800 April 0800 - 1800 May to August 0800 - 1800 September 0800 - 1800 October 0800 - 1800 November and December 0800 - 1700	None	Any period during the hours of operation	None
Shibden Park (5) (Main driveway)	Within the marked bus/coach loading bay opposite the rangers workshop on the access drive to Mereside car park	buses or coaches being used for the loading and unloading of passengers	January and February 0800 - 1700 March 0800 - 1800 April 0800 - 1900 May to August 0800 - 2100 September 0800 - 1900 October 0800 - 1800 November and December 0800 - 1700	None	Waiting limited to the duration of the loading/unloading operation, maximum duration 30 minutes	None